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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 ROBERT LONNELL SMITH, JR,
7 Plaintiff,
8 v.
9 WASHOE COUNTY, *et al.*,
10 Defendants.

Case No. 3:21-cv-00123-ART-CSD
ORDER

11 *Pro se* Plaintiff Robert Lonnell Smith, Jr., currently an inmate in the
12 custody of the Nevada Department of Corrections (NDOC), brings this action
13 under 42 U.S.C. § 1983. Plaintiff alleges, *inter alia*, that, while a pretrial detainee
14 at the Washoe County Detention Facility (WCDF), Defendant Jessica Garza, an
15 employee at Washoe Legal Services (WLS), who WCDF contracts with to provide
16 limited civil legal services to inmates, violated his First Amendment Rights by
17 refusing to send him a complete copy of the Jailhouse Lawyer’s Handbook. (ECF
18 No. 8 at 6.) Defendant Garza filed a Motion for Summary Judgment (ECF No.
19 89), Plaintiff filed a Response (ECF No. 96), and Defendant filed a Reply (ECF No.
20 97). Before the Court is the Report and Recommendation (“R&R” or
21 “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No.
22 101), recommending that this Court grant Defendant’s Motion for Summary
23 Judgment. Plaintiff then filed a Motion of Non-Opposition to ECF No. 101. (ECF
24 No. 108.) For this reason, and as explained below, the Court adopts the R&R,
25 and will grant Defendant Garza’s Motion for Summary Judgment.

26 The Court “may accept, reject, or modify, in whole or in part, the findings
27 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where
28 a party fails to object to a magistrate judge’s recommendation, the Court is not

1 required to conduct “any review at all . . . of any issue that is not the subject of
2 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*
3 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the
4 magistrate judges’ findings and recommendations is required if, but *only* if, one
5 or both parties file objections to the findings and recommendations.”) (emphasis
6 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
7 the Court “need only satisfy itself that there is no clear error on the face of the
8 record in order to accept the recommendation.”).

9 Because there is no objection, the Court need not conduct de novo review,
10 and is satisfied Judge Denney did not clearly err. Here, Judge Denney
11 recommends granting summary judgment on the First Amendment claim based
12 on the fact that Defendants did not violate any clearly established right. (ECF
13 No. 111 at 9.) The Court agrees with Judge Denney. Having reviewed the R&R
14 and the record in this case, the Court will adopt the R&R in full.

15 It is therefore ordered that Judge Denney’s Report and Recommendation
16 (ECF No. 101) is accepted and adopted in full.

17 It is further ordered that Defendant Garza’s Motion for Summary
18 Judgment (ECF No. 89) is granted.

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21 DATED THIS 10th Day of October 2023.

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24 ANNE R. TRAUM
25 UNITED STATES DISTRICT JUDGE
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